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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/659,649	09/12/2000	Jean-Francois Le Pennec	FR9-1998-0072-US1	6968

7590

09/02/2003

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EXAMINER

FLYNN, KIMBERLY D

ART UNIT

PAPER NUMBER

2153

DATE MAILED: 09/02/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/659,649

Applicant(s)

LE PENNEC ET AL.

Examiner

Kimberly D Flynn

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-, and 5-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 5-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

This action is in response to Applicant's amendment and response to restriction requirement filed June 27, 2003. Claims 1-2, and 5-8 are presented for further consideration.

Response to Arguments

1. Applicant's arguments, see paper no. 8, page 6, filed June 27, 2003, with respect to the rejection(s) of claim(s) 1-2 and 5-8 under 35 U.S.C. 103(a), as being unpatentable over Logue et al. (U. S. Patent No. 5,935,207, hereinafter Logue) in view of Lee et al. (U.S. Patent No. 6,466,970, hereinafter Lee) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Katz et al. (U.S. Patent No. 5,926,624).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Logue et al. (U. S. Patent No. 5,935,207, hereinafter Logue) in view of Katz et al. (U.S. Patent No. 5,926,624, hereinafter Katz).

In considering claims 1-2, 5, and 7, Logue discloses a server comprising means for carrying out the method for providing a file comprising the following steps:

receiving a request for a file (col. 5, lines 43), identifying the file as being stored in a distant server (col. 5, lines 43-49); and requesting the distant server to send the file and forwarding the file (col. 5, lines 50-51).

While Logue discloses the invention substantially as claimed, Logue does not disclose the step of "identifying the file as being used". Nonetheless, identifying the file as being used or file locking is well known in the art as evidenced by Katz. In similar art, Katz discloses a digital information library and delivery system that includes a library server for receiving and responding to client computer system requests for access of a digital information file. The library server also collects and stores usage data, which includes usage statistics on access history of the information files (col. 8, lines 12-19, and lines 45-48).

Thus, given the teachings of Katz, a person having ordinary skill in the art would have readily recognized the uses and advantages of modifying the system as disclosed by Logue to include the library server taught by Katz, in order to provide the administrators and designers with detailed information about the interaction of requestors and the content requested. It would also provide a log or record of access data for future use. Therefore, the library server as taught by Katz would have been an obvious modification the system as disclosed by Logue.

In considering claims 6 and 8, Logue discloses the server further comprising a remotely logged client table for identifying where the file has been forwarded (col. 5, lines 56-60, and 65-67).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly D Flynn whose telephone number is 703-308-7609. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on 703-305-4792. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703-746-72388, for After Final communications

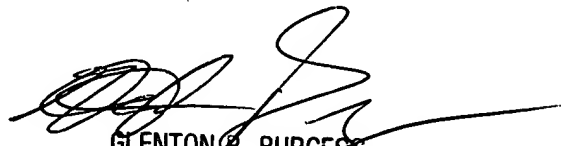
(703) 746-7239, for Official communications.

(703) 746-7240, for Non-Official/Drafts.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703-305-3900).

Kimberly D Flynn
Examiner
Art Unit 2153

KF
August 21, 2003


GLENTON B. BURGESS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100